

AMENDMENTS TO THE DRAWINGS:

Enclosed herewith please find proposed drawing changes identifying Figure 12 as prior art in accordance with the recommendations in the Office Action. Replacement Sheets are attached along with the Annotated Drawing Sheet.

REMARKS

In the Application, claims 1 - 24 and claim 27 is pending. Claims 8 - 12 and 20 are rejected under 35 U.S.C. §112 for insufficient antecedent basis for "said primary fluid supply tank" in line 3 of Claim 8. Applicant has amended Claim 8 herein to overcome the rejection. Claims 1 - 7, 14 - 16, 19, 21 - 24, and 27 stand rejected under 35 U.S.C. §102 as being anticipated by US Patent Publication No. 2004/0079442 to Flynn. Claims 8 - 13, 18, and 20 stand rejected as being obvious over Flynn in view of U.S. Patent No. 6,830,082 to the Applicant. Applicants have carefully reviewed the prior art rejections of the pending claims and respectfully request reconsideration of the claims in view of the remarks presented below.

Objection to the Drawings

The Office Action raised two objections to the drawings. The first objection relates to the status of Figure 12 as representing the prior art. Applicant concurs with the Office Action and proposed the correction recommended by the Examiner herein to obviate the first rejection.

The Office Action also appears to allege that Claim 1's recitation of the remove and fill control manifold's "remove and replacement port for coupling to said effluent radiator port" is not shown in the drawings. Figure 9 illustrates a preferred embodiment of a remove and fill control manifold, which includes ports 114a, 114b, 114c, and 114d. At the bottom of page 25 of the specification, it is taught that:

"the fluid from the radiator 50 is drawn through the cone adapter bore 171, through the service line 156, and into conduit 120c. The radiator fluid exits the conduit 120c and enters inlet port 114c and passes through the remove and fill control manifold 42."

Thus, remove and fill control manifold 42 is shown in Figures 9, 16, and 17 to have a port 114c for coupling to the effluent radiator port through conduits 120c and 156. Similarly, the "waste fluid collection pathway for routing said waste fluid entering said remove and fill control manifold from said effluent radiator port" is port 114a as shown in Figures 9, 16, and 17 and described at pages 25 - 26 of the specification. Accordingly, Applicant respectfully submits that the claimed features are adequately and complete shown in the Figures and request that the objection be withdrawn.

Rejections under 35 U.S.C. § 102

The Office Action rejected pending Claims 1 - 7, 14 - 16, 19, 21 - 24, and 27 based on the Flynn Publication. It has often been stated by the Federal Circuit that anticipation under §102 requires a demonstration of "identify of invention." *Minnesota Mining & Mfg. Co. v. Monsanto Co.*, 948 F. 2d 1264 (Fed. Cir. 1991). The anticipating reference "must describe the invention with sufficient precision and detail to establish that the subject matter existed in the prior art." *Verve, LLC v. Crane Cams, Inc.*, 311 F.3d 1116 (Fed. Cir. 2002).

Claim 1 of the Application includes a fluid supply tank "having a multi-directional supply coupling defining first and second supply outlets in communication with a suction inlet ..." These are represented in Figure 5 as reference nos. 65 and 57, which show a multidirectional supply coupling. The Office Action apparently did not appreciate the recited "multidirectional supply coupling" in holding that Flynn taught "first and second outlets (at 16 and the end of element 37). Because Flynn's element 37 is described in that reference as the "console," it cannot be part of the first fluid supply tank of the claimed invention and thus the cited reference fails to teach each element of the claimed invention. For this reason, the rejection based on anticipation is improper.

Claim 1 also calls for a flush control manifold which is not present in the Flynn reference. The claimed manifold includes a fluid pathway between one of the supply outlets of the supply tank and a pump, but Flynn does not show any connection between the fresh fluid and the pump because fresh fluid is delivered by negative pressure in the radiator system. Accordingly, there is no teaching for this manifold and Flynn can reasonably be understood to teach away from the present invention ("for insertion of new coolant into an engine by only atmospheric pressure." - Flynn ¶0006).

In addition, Claim 1 calls for a pressure generator and a pump "to direct said supply fluid from said first fluid supply tank into said fluid receiving inlet ..." As submitted above, Flynn does not teach pumping supply fluid via a pump and in fact discourages this use ("The new coolant entering the engine by application of atmospheric pressure avoids any spraying of a person or persons which might occur at higher pressure" - Flynn ¶0024). Because Flynn fails to teach the claimed pump, the claimed flush control manifold, and the claimed multi-directional supply coupling, it cannot anticipate Claim 1 and the rejection based on §102 is properly withdrawn.

In the Office Action, the pressure generator of Claim 1 is submitted to be found at reference no. 37 of the Flynn disclosure [Office Action, ¶7]. However, reference 37 is to a console (Flynn ¶0020) and thus there is no support for the rejection of Claim 1. Moreover, the claimed pressure generator found in Figure 17 as reference number 38 and the separately claimed pump found as reference number 40 enable the flushing operation as described in the specification on pages 27 et seq., where fluid is withdrawn under negative pressure from the radiator while new fluid is concurrently pumped into the radiator. Flynn's system only describes a sequential operation because it does not have the claimed pressure generator and pump combination to perform both supply and removal concurrently. Accordingly, the rejection based on Flynn is improper and is rightfully withdrawn.

Each of the pending claims recite the claimed combination of a pressure generator and a pump, which as demonstrated above is not taught by Flynn. Thus, the rejection for anticipation of all claims based on the proposed teachings of Flynn are inappropriate and cannot be sustained.

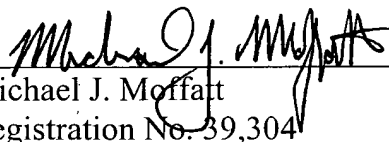
Rejections under 35 U.S.C. § 103

Claims 8 - 13, 18, and 20 stand rejected based on the teachings of Flynn in combination with the present inventor's earlier patent. However, the rejections based on obviousness are predicated upon the presumption that Flynn teaches all of the limitations of Claim 1 - 7. Because Applicant has established that Flynn fails to anticipate the claims, the rejections based on obviousness are no longer valid and must be withdrawn.

In view of the foregoing, Applicant respectfully submits that the Claims as amended are presently in condition for allowance and early notification of same is respectfully requested. If the Examiner believes that a telephone conference will further the prosecution of this case, the Examiner is cordially invited to contact the undersigned at the number below.

Respectfully submitted,

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Title: RADIATOR FLUID EXCHANGING APPARATUS

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ANNOTATED SHEET 1 OF 1

